

### **REMARKS**

Reconsideration and withdrawal of the restriction requirement and examination of all of the claimed subject matter on the merits are respectfully requested in light of the remarks that follow:

### **STATUS OF CLAIMS**

Claims 54-106 remain pending in this application. Claims 1-53 were previously cancelled.

### **PRIORITY**

Applicants thank the Examiner for acknowledging receipt of the claim for foreign priority and the certified copy of the priority document.

### **INFORMATION DISCLOSURE STATEMENT**

Applicants also thank the Examiner for acknowledging the May 24, 2006 Information Disclosure Statement.

### **RESTRICTION REQUIREMENT**

The Examiner has required restriction to one of the following seven groups:

**Group I**, Claims 54-88, drawn to a dendritic polymer having phosphonic terminal groups;

**Group II**, Claims 89-91 and 96-99, drawn to a method of preparing a dendritic polymer having phosphonic terminal groups by reaction of a chlorine-terminated dendrimer with a phosphonic compound;

**Group III**, Claims 89, 92, 93 and 96-98, drawn to a method of preparing a dendritic polymer having phosphonic terminal groups by reaction of an amine-terminated dendrimer with an aldehyde and a phosphonic compound;

**Group IV**, Claims 89, 94 and 95-99, drawn to a method of preparing a dendritic polymer having phosphonic terminal groups through reaction of an aldehyde-terminated dendrimer with monomethylhydrazine and a phosphonic compound;

**Group V**, Claim 100, drawn to a phosphonic compound;

**Group VI**, Claims 101 and 102, drawn to a method of preparing a phosphonic compound, and

**Group VII**, Claims 103-106, drawn to a method of use for a phosphonic terminated dendritic polymer.

In response to the restriction requirement, applicants hereby elect, with traverse, Group I, Claims 54-88, drawn to a dendritic polymer.

Applicants traverse the restriction requirement for the following reasons:

Applicants dispute the Examiner's position that Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.2. The Groups I-VII comply with PCT Rule 13.2 because they share the dendritic polymer with phosphonic terminal groups of Group I, being the polymers (Group I), a method of making the polymers (Groups II, III and IV), intermediates for making the polymers, namely, the phosphonic compounds (Group V)--note the process of Claim 90 utilizes a phosphonic compound of formula (III)/Group V to prepare a dendritic polymer of Claim 85/Group I -- while Group VI provides a process for preparing the Group V

intermediates, and Group VII provides a method for using the Group I dendritic polymers. Thus, all claims are linked by the dendritic polymers.

The Examiner claims that the unifying technical feature cannot be the special technical feature because it is shown in the prior art. However, it is not seen how the Matthews et al. patent meets each and every aspect of every claim of Group I drawn to Applicants' dendritic polymers. Applicants have not received an adequate Official Action on the merits and it is thus extremely premature to hold that Applicants possess no Group I dendritic polymers which can be distinguished from the cited patent and which unite the claims. In the same way, as to Groups V and VI, they do not share a compound of formula (VIII) but rather a compound of formula (III)/Group V. It furthermore is not seen how the compound of Kagaku falls within the Group V claim. Moreover, Applicants have not received an adequate Official Action on this point. Kagaku is not even of record herein, and Applicants see no reason why it should be.

Still further, in the international phase of this application, claims falling within all of Groups I-VII apparently were found to relate to a single invention as all of the claims were searched. Note the International Search Report already in this file. This is indeed consistent with Applicants' view of the technical feature linking all the claims. It is not understood how claims relating to the present invention can be considered to relate to a single invention in the international phase and yet, under the very same PCT rules, be found to not do so here. Indeed, such action appears to be inappropriate.

As yet another point, the subject matter of non-elected Groups II, III and IV overlaps, because all of these processes utilize a common reactant (a compound

having one or two functionalities -  $\text{PO}_3\text{X}_2$ ) and all provide a Group I dendritic polymer.

As yet another point, in the event of a finding of allowable subject matter in elected Group I, at least the process of making claims of Groups II, III and IV as well as the process of using claims of Group VII which are commensurate in scope with allowable Group I claims should be rejoined in accord with Ochiai/Brouwer practice. See M.P.E.P. 806.05(f) and 806.05(h), Rev. 5, Aug. 2006.

In view of the foregoing, it is submitted that the restriction requirement is untenable. Withdrawal of the requirement and examination of all of the claims on the merits are respectfully urged.

Respectfully submitted,

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